

### **REMARKS**

Pursuant to the non-final Office Action mailed October 20, 2008, the Request for Continued Examination (RCE) as previously filed July 2, 2008 has been entered. Claims 9 - 16 have been rejected by the present Office Action. After entry of the present amendment, claims 9 - 16 remain pending. Independent claims 9, 12, and 14 have been amended to clarify the scope of the claimed inventions, and reconsideration of the application is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claims 9 - 16 were rejected under 35 U.S.C. §103(a) as being obvious over Templeton, US 5,679,940 ("*Templeton*"), in view of Norton, U.S. Patent No. 6,243,689 ("*Norton*"). The Office Action admits that *Templeton* "does not show a database using categories to remove negative information from the negative file or to remove the negative information." See page 2. Instead, the Office Action alleges *Norton* relates to a modified negative file, e.g. 84, sent to a merchant location for check verification. See page 3. However, *Norton* merely relates to using a third party check verification or guarantee service to approve checks, wherein a merchant requesting approval of a customer-submitted check receives an approval code 82 or rejection code 84 from the third party service in response to the request. See Col. 8, line 66 – Col. 9, line 18. While *Norton* relates to using a third party service to approve checks, *Norton* does not teach or suggest at least the element "modifying the negative file by removing the negative information for each check writer classified within a pre-determined set of the categories and retaining the negative information for each check writer not classified with the pre-determined set of categories" of claim 9 as well as similar elements of claims 12 and 14. Furthermore, while *Norton* relates to sending an approval code 82 or rejection code 84, *Norton* does not relate to sending a negative file or modified negative file, and therefore *Norton* does not teach or suggest at least the element "transmitting the modified negative file to at least one merchant for use in check verification at a merchant location" of claim 9 as well as similar elements of claims 12 and 14.

By the present response, independent claim 9 has been amended to clarify the scope of the claimed invention of claim 9. In particular, claim 9 has been amended to clarify that the

claimed invention of claim 9 can include the element “transmitting the modified negative file to at least one merchant for use in determining the collectability of a check writer at a merchant location, wherein the modified negative file can be accessed to determine check writer information”. Independent claims 12 and 14 have been similarly amended. These amendments are fully supported by the Applicants’ specification at least at page 8, lines 18-29, which states that:

In use, scrubbed file 20 is simply copied and sent to the merchant for implementation. For example, scrubbed file 20 may be any file compatible with a computer system used for check verification. Scrubbed file may be a hard copy of information including “non-collectible” or “least collectible” check writers. Scrubbed file 20 may be updated periodically as needed.

For example, as similarly stated above, scrubbed file 20 or a copy thereof may be configured in a computer system which may be locally disposed within a store of the merchant. Cashier stations may then access via computer line scrubbed file 20, as needed. A cashier would simply type in or swipe a check through in order to access scrubbed file 20 or a copy thereof. If the customer’s name, bank account number or identification is included within scrubbed file 20, then the customer is typically denied.

For at least the reasons provided above, amended independent claims 9, 12, and 14 are believed to be allowable over *Templeton*.

Furthermore, dependent claims 10-11, 13, and 15 are ultimately dependent from at least one of amended independent claims 9, 12, or 14, for which arguments of patentability have been presented above, and if the independent claims are allowable over the cited reference, the corresponding dependent claims should also allowable over the cited references.

**CONCLUSION**

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

/Christopher J. Chan/  
Christopher J. Chan  
Attorney for the Assignee  
Registration No. 44,070

**DATE: 7 JANUARY 2009**

SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street NE  
Atlanta, Georgia 30309-3996  
Telephone: (404) 853-8049  
Facsimile: (404) 853-8806  
(First Data 012500US)

**Attorney Docket No.: 34250-0877**